

Exhibit 45

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1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEW JERSEY
4 Civil Action No. 2:16-CV-06576
5 -----x
6 INDUSTRIA DE ALIMENTOS ZENU S.A.S.,
7 Plaintiff,
8 -against-
9 LATINFOOD U.S. CORP. d/b/a ZENU
PRODUCTS CO. and WILSON ZULUAGA,
10
Defendants/Counter Plaintiff.

11 -----x
12 LATINFOOD U.S. CORP. d/b/a ZENU
PRODUCTS CO.,
14 Defendant/Counter Plaintiff,
15 -against-
16 INDUSTRIA DE ALIMENTOS ZENU S.A.S.
and CORDIALSA USA, INC.

17
18 Counter Defendants.
19 -----x
20
21 DEPOSITION OF HERNANDO RAMOS MORENO
New York, New York
22 January 16, 2020
23

24 Reported By:
25 ERIC J. FINZ

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HERNANDO RAMOS MORENO

Q. Do you know if there are 15:26:49
employees of Industria that also perform 15:27:11
work projects for Cordialsa? 15:27:13

A. I don't know. 15:27:26

Q. Are you familiar with -- do 15:27:32
you know if Industria has -- had dealings 15:27:40
with U.S. Customs? 15:27:46

MR. RAYMOND: At any time? 15:28:02

MR. INGBER: At any time. 15:28:08

A. Not directly. 15:28:15

Q. Has Industria had dealings 15:28:25
with U.S. Customs in conjunction with 15:28:27
Cordials at any time? 15:28:30

MR. RAYMOND: Objection. Can 15:28:35
you read back the question before 15:28:36
you translate it 15:28:39

(Record read as requested) 15:29:00

15:29:00

BY MR. INGBER: 15:29:00

Q. In your position as director of sales, did you make any efforts into bringing Zenu and Ranchera branded products to the United States? 15:29:00
15:29:09
15:29:11
15:29:16

A. Yes. 15:29:34

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1 HERNANDO RAMOS MORENO

2 Q. As director of sales, have you 15:29:34
3 worked with the U.S. Food and Drug 15:29:36
4 Administration? 15:29:57

5 A. No. 15:29:57

6 Q. Do you know who Luis Alfonso 15:29:57
7 Arango is? 15:30:06

8 A. Yes. 15:30:08

9 Q. Who is he? 15:30:09

10 A. He's the manager of Cordialsa 15:30:10
11 USA. 15:30:25

12 Q. How long have you -- how long 15:30:25
13 have you known Mr. Arango? 15:30:27

14 A. Since 2010. 15:30:38

15 Q. Have you met with him before 15:30:40
16 in person? 15:30:44

17 A. Yes. 15:30:49

18 Q. How many times would you say 15:30:49
19 you've met with him? 15:30:51

20 A. One time. 15:31:00

21 Q. Was this in Colombia? 15:31:01

22 A. Yes. 15:31:05

23 Q. Was this in 2014? 15:31:06

24 A. Yes. 15:31:09

25 Q. How long was your meeting with 15:31:09

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1 HERNANDO RAMOS MORENO
2 Mr. Arango? 15:31:20
3 A. I don't remember. 15:31:28
4 Q. Did you meet with him 15:31:29
5 one-on-one? 15:31:32
6 A. Yes. 15:31:39
7 Q. And what did you discuss? 15:31:39
8 A. To expand Cordialsa's sales 15:31:47
9 with Industria products. 15:32:02
10 Q. Where did you -- were you the 15:32:08
11 one that wanted to expand -- you as 15:32:12
12 director of sales, did you want to expand 15:32:15
13 into the United States? 15:32:19
14 A. Yes. 15:32:30
15 Q. Was this for Zenu products? 15:32:30
16 A. Yes. 15:32:38
17 Q. And how about Ranchera 15:32:39
18 products? 15:32:42
19 A. No. 15:32:43
20 Q. Was this with meat products? 15:32:43
21 A. Initially, no. 15:32:57
22 Q. When did it become meat 15:32:59
23 products? 15:33:05
24 MR. RAYMOND: Object to the 15:33:05
25 form of the question, no foundation 15:33:06

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1	HERNANDO RAMOS MORENO	
2	for that.	15:33:07
3	Q. Did it become meat products?	15:33:14
4	A. I don't understand the	15:33:23
5	question.	15:33:24
6	Q. You said you wanted to expand	15:33:24
7	into the United States on behalf of	15:33:27
8	Industria.	15:33:31
9	A. Yes.	15:33:38
10	Q. And you said that it was Zenu	15:33:39
11	brand products. Is that correct?	15:33:42
12	A. Yes.	15:33:47
13	Q. Did there come a point in time	15:33:47
14	where you wanted to expand Zenu brand	15:33:50
15	meat products into the U.S.?	15:33:53
16	A. Yes.	15:34:02
17	Q. Was this at the direction of	15:34:02
18	Diego Medina?	15:34:05
19	A. Yes.	15:34:09
20	Q. Did you have a plan for	15:34:11
21	getting -- excuse me.	15:34:22
22	How did you plan to get around	15:34:25
23	the hoof-and-mouth restriction that you	15:34:30
24	mentioned before?	15:34:33
25	A. We're trying to find a local	15:34:35

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1 HERNANDO RAMOS MORENO
2 manufacturer. 15:34:52
3 Q. "Local" meaning in the United 15:34:54
4 States? 15:35:01
5 A. Yes. 15:35:01
6 Q. Doesn't Industria currently 15:35:04
7 export meat products from the U.S. to 15:35:10
8 Colombia? 15:35:14
9 A. Yes. 15:35:26
10 Q. So you already had a local 15:35:26
11 distributor in the U.S. Isn't that 15:35:28
12 correct? 15:35:30
13 MR. RAYMOND: Object to the 15:35:30
14 form of the question. 15:35:31
15 Q. Is that correct? 15:35:46
16 A. Can you repeat the question? 15:35:47
17 Q. You already had a local meat 15:35:51
18 manufacturer of product in the U.S. 15:35:55
19 Didn't you? 15:35:58
20 MR. RAYMOND: Object to the 15:35:59
21 form of the question. At what 15:36:06
22 point in time when you say he 15:36:08
23 already had? 15:36:09
24 Q. When you were trying to export 15:36:14
25 Zenu Ranchera meat products into the 15:36:19

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1	HERNANDO RAMOS MORENO	
2	U.S., which I believe was at around 2014?	15:36:24
3	MR. RAYMOND: I'm going to	15:36:37
4	object to that in that he said it	15:36:38
5	was Zenu and not Ranchera.	15:36:40
6	MR. INGBER: I'm sorry, yes.	15:36:44
7	Zenu.	15:36:46
8	A. Yes.	15:36:48
9	Q. Again, when did you first --	15:36:56
10	when did Industria first try to export	15:37:02
11	Zenu meat products into the U.S.?	15:37:07
12	MR. RAYMOND: Again, I'm going	15:37:25
13	to object to the form. There has	15:37:26
14	been no testimony that they ever	15:37:27
15	did try to export meat products to	15:37:29
16	the U.S.	15:37:31
17	But you can answer the	15:37:33
18	question if you can.	15:37:39
19	A. They were not meat products.	15:37:44
20	Q. I believe you testified	15:37:50
21	earlier that Zenu -- excuse me. That	15:37:51
22	Industria exports meat products from the	15:37:56
23	United States to Colombia.	15:37:59
24	A. Yes.	15:38:09
25	Q. So isn't it true that	15:38:11

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1 HERNANDO RAMOS MORENO

2 Industria had access to meat in the U.S. 15:38:13
3 locally? 15:38:194 MR. RAYMOND: Object to the 15:38:23
5 form. At what time are you asking 15:38:29
6 him? 15:38:317 MR. INGBER: We are talking 15:38:32
8 about a specific time. We're 15:38:34
9 talking about 2014. That's what 15:38:35
10 we're talking about. 15:38:3711 MR. RAYMOND: You asked him 15:38:38
12 whether they export meat products 15:38:39
13 now. And then you're assuming that 15:38:40
14 that meant that they did it, you 15:38:42
15 know, five years ago. 15:38:4416 I'm just asking you to clarify 15:38:45
17 so he understands what you're 15:38:46
18 asking him. If it's 2014, then 15:38:47
19 just ask him if he did it -- if 15:38:51
20 they did it in 2014. It's pretty 15:38:53
21 simple. It's a confusing question 15:38:56
22 when you tie together the present 15:38:59
23 with a period five years ago 15:39:00
24 without specifying it. 15:39:02

25 MR. INGBER: I'm going to 15:39:04

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1 HERNANDO RAMOS MORENO
2 rephrase. 15:39:05
3 BY MR. INGBER: 15:39:06
4 Q. When did -- do you know when 15:39:06
5 Industria first started exporting meat 15:39:09
6 products from the U.S. to Colombia? 15:39:11
7 A. I don't remember. 15:39:24
8 Q. Had Industria been exporting 15:39:25
9 meat products from the U.S. to Colombia 15:39:29
10 in 2011? 15:39:33
11 A. No. 15:39:48
12 Q. Again, when did it begin? 15:39:48
13 MR. RAYMOND: He just said he 15:39:55
14 didn't know. 15:39:56
15 Q. Had Industria been exporting 15:40:17
16 meat products from the United States to 15:40:20
17 Colombia in 2014? 15:40:24
18 A. I don't remember. 15:40:36
19 Q. Had Industria been exporting 15:40:37
20 meat products from the United States into 15:40:47
21 Colombia in the last two years? 15:40:51
22 A. Yes. 15:40:58
23 Q. How about in the last five 15:40:59
24 years? 15:41:01
25 A. I don't remember. 15:41:05

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1 HERNANDO RAMOS MORENO
2 Q. You remember two years but not 15:41:06
3 five years. Is that correct? 15:41:10
4 A. Yes. 15:41:13
5 Q. What date did you meet with 15:41:14
6 Mr. Arango? 15:41:39
7 A. 2014. 15:41:45
8 Q. Do you remember the month? 15:41:47
9 A. March. 15:42:00
10 Q. What was the reason for you 15:42:00
11 meeting again with Mr. Arango? 15:42:02
12 MR. RAYMOND: It's been asked 15:42:05
13 and answered. 15:42:07
14 But you can answer it again. 15:42:07
15 A. To be able to expand 15:42:18
16 Cordialsa's sales with the Industria 15:42:28
17 portfolio in the United States. 15:42:30
18 MR. INGBER: Could we have 15:42:48
19 this marked as HRM-B. 15:42:50
20 (Exhibit HRM-B for 15:42:50
21 identification, email dated 15:42:50
22 September 19, 2017, production 15:42:50
23 numbers IAZ_DNJ 2488 through 15:42:50
24 IAZ_DNJ 2491.) 15:43:30
25 MR. RAYMOND: Again, for the 15:43:30

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1 HERNANDO RAMOS MORENO
2 record, HRM-B appears to be a 15:43:31
3 document that's only in English. 15:43:34
4 So you may have to translate what 15:43:36
5 you want to ask him about. 15:43:37
6 BY MR. INGBER: 15:43:50
7 Q. By the way, have you ever -- 15:43:51
8 these are documents that were produced by 15:43:53
9 your counsel labeled IAZ_DNJ 2488 through 15:43:55
10 2491. 15:44:01
11 A. Okay. 15:44:09
12 MR. INGBER: I'm going to ask 15:44:23
13 the translator to refer to 2480. 15:44:24
14 And if you could read out the first 15:44:28
15 email from Hernando Ramos Moreno to 15:44:32
16 Fernery Garcia, cc Santiago Jimenez 15:44:41
17 Ramirez, regarding meeting with 15:44:46
18 Luis Alfonso Arango, Cordials USA. 15:44:50
19 MR. RAYMOND: There is no 15:44:54
20 2480. Do you mean 2490? 15:44:56
21 MR. INGBER: 2490. I'm sorry. 15:44:58
22 THE INTERPRETER: The second 15:45:02
23 to last page? 15:45:03
24 MR. INGBER: Yes. 15:45:04
25 THE INTERPRETER: The 15:45:05

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1	HERNANDO RAMOS MORENO	
2	highlighted portion? Do you want	15:45:06
3	just the highlighted portion?	15:45:07
4	MR. INGBER: If you can read	15:45:17
5	the whole thing. If you would give	15:45:18
6	him the information about dates and	15:45:25
7	who it's from.	15:45:27
8	(Interpreter complies.)	15:45:30
9	BY MR. INGBER:	15:49:04
10	Q. Is this email dated March 5,	15:49:04
11	2014?	15:49:06
12	A. Yes.	15:49:14
13	Q. Why did you draft this email?	15:49:14
14	A. After the meeting with Luis	15:49:40
15	Alfonso Arango I was trying to find some	15:49:42
16	tasks so we could work on exporting to	15:49:46
17	the United States.	15:49:48
18	Q. Who is Fernery Garcia?	15:49:50
19	A. My boss at that time.	15:49:58
20	Q. Did Santiago Jimenez have a	15:50:06
21	role in this project?	15:50:11
22	A. Yes.	15:50:17
23	Q. What was his role?	15:50:17
24	THE INTERPRETER: I just want	15:50:32
25	to look a word up to make sure.	15:50:33

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1 HERNANDO RAMOS MORENO

2 A. He was the manager of the 15:50:36
3 supply chain. 15:50:38

4 Q. Did the meeting -- you 15:50:40
5 reference a meeting with Luis Arango. 15:50:45

6 Was the meeting on that same day of March 15:50:49
7 5, 2014? 15:50:51

8 A. No. 15:51:00

9 Q. Was it the day before? 15:51:00

10 A. Yes. 15:51:04

11 Q. So was there -- do you know if 15:51:06
12 there was -- why was the -- why was the 15:51:15
13 project to export beans suspended? 15:51:18

14 A. It was not being suspended. 15:51:31

15 MR. INGBER: Read him back the 15:51:41
16 first bullet point. 15:51:42

17 (Interpreter complies.) 15:51:45

18 A. Oh, it had been. This is in 15:51:54
19 the past. 15:51:55

20 Q. When had it been suspended, to 15:51:56
21 your knowledge? 15:52:02

22 A. 2011. 15:52:02

23 Q. Do you know if the suspension 15:52:08
24 had been lifted? 15:52:11

25 A. Yes. 15:52:17

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1 HERNANDO RAMOS MORENO

2 Q. So the suspension was no 15:52:17

3 longer in place. Is that what you're 15:52:20

4 saying? 15:52:22

5 A. No. 15:52:27

6 Q. No, it was lifted? 15:52:30

7 A. Yes. 15:52:37

8 Q. Do you know why the suspension 15:53:03

9 was lifted? 15:53:06

10 A. Because Cordialsa was a larger 15:53:13

11 company and they had a better capacity 15:53:22

12 for distribution. 15:53:24

13 Q. Well, that doesn't answer -- 15:53:27

14 that doesn't appear to answer the 15:53:29

15 question about why the suspension was 15:53:31

16 lifted. 15:53:33

17 MR. RAYMOND: I object to the 15:53:34

18 comment. And there is no question 15:53:35

19 yet. 15:53:37

20 Q. Does it? 15:53:40

21 MR. RAYMOND: Does? I object 15:53:44

22 to the form. Does what? 15:53:46

23 Q. Your answer doesn't appear to 15:53:48

24 answer the question about why the 15:53:50

25 suspension is lifted. To me. It doesn't 15:53:52

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HERNANDO RAMOS MORENO

1 appear.

15:53:55

2 MR. RAYMOND: I object to the
3 comment. It makes sense to me.

15:53:57

15:53:58

4 MR. INGBER: Good for you.

15:53:59

5 MR. RAYMOND: Well, good. He
6 answered the question. So that's
7 the answer.

15:54:00

15:54:02

15:54:03

8 There is no question.

15:54:19

9 Q. When did the suspension that
10 you referenced before in this letter,
11 when was it lifted?

15:54:21

15:54:23

15:54:27

12 A. I don't remember.

15:54:39

13 Q. Was the suspension lifted at
14 the time of this March 10, 2014 email
15 that you wrote?

15:54:42

15:54:46

15:54:51

16 A. Not necessarily.

15:55:03

17 Q. Do you know if Latinfood had a
18 trademark registration in the name of
19 Zenu at this time, in the U.S.?

15:55:09

15:55:12

15:55:14

20 A. No.

15:55:24

21 Q. Do you know if the suspension
22 that you reference here had anything to
23 do with Latinfood having a Zenu
24 registration in the U.S.?

15:55:25

15:55:27

15:55:28

15:55:33

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1 HERNANDO RAMOS MORENO
2 A. No. 15:55:48
3 (Exhibit HRM-C for 15:56:08
4 identification, letter dated 15:56:08
5 January 12, 2011, production 15:56:08
6 numbers IAZ_DNJ 3606 through 15:56:08
7 IAZ_DNJ 3609.) 15:56:17
8 MR. INGBER: We're going to 15:56:17
9 have this marked as HRM-C. 15:56:18
10 BY MR. INGBER: 15:56:52
11 Q. Have you ever seen this letter 15:57:08
12 before? 15:57:09
13 A. Yes. 15:57:14
14 Q. What do you understand this 15:57:15
15 letter -- do you know this is a letter 15:57:19
16 dated January 12, 2011 from U.S. Customs 15:57:20
17 and Border Protection to an Ernesto 15:57:27
18 Jocson? 15:57:31
19 A. Yes. 15:57:47
20 Q. Did you first see this letter 15:57:48
21 when it was -- around the time it was 15:57:49
22 written in January of 2011? 15:57:52
23 A. Yes. 15:58:05
24 Q. When did you see this letter 15:58:07
25 most recently? 15:58:10

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1 HERNANDO RAMOS MORENO

2 the Tariff Act. It says that, quote, 16:00:26
3 "Provides, in general, that all articles 16:00:36
4 of foreign origin imported into the U.S. 16:00:39
5 must be legibly, conspicuously and 16:00:42
6 permanently marked to indicate the 16:00:46
7 English name of the country of origin to 16:00:49
8 an ultimate purchaser in the U.S." 16:00:51

16 Did this letter have anything 16:01:58
17 to do with Industria's trying to import 16:02:01
18 Zenu-branded products into the U.S.? 16:02:07

19 A. Yes. 16:02:22

20 Q. Do you know if this had 16:02:25
21 anything to do with the suspension that 16:02:27
22 you referenced in your email dated March 16:02:30
23 10 -- March 5, 2014, to Fernery Garcia? 16:02:41

24 A. Yes. 16:03:04

Q. So more than three years had 16:03:05

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1 HERNANDO RAMOS MORENO

2 passed since this January 12, 2011 16:03:11

3 Customs letter, and your email dated 16:03:15

4 March 5, 2014. Isn't that correct? 16:03:21

5 A. Yes. 16:03:42

6 Q. Would you say that this was a 16:03:42

7 labeling issue? 16:03:46

8 MR. RAYMOND: Object to the 16:03:50

9 form of the question. That what 16:03:51

10 was a labeling issue? 16:03:56

11 Q. Was this Customs letter 16:03:59

12 related to a labeling issue that you 16:04:01

13 were -- that Industria was dealing with? 16:04:04

14 A. Yes. 16:04:13

15 Q. Do you know why it took three 16:04:14

16 plus years for Industria to address this 16:04:26

17 issue of labeling? 16:04:32

18 A. I don't remember. 16:04:38

19 Q. So is it -- isn't it accurate 16:04:58

20 that three years passed and Industria 16:05:02

21 still hadn't fixed the problems about 16:05:03

22 labeling to enable their products to get 16:05:06

23 into the U.S.? 16:05:09

24 MR. RAYMOND: I object to the 16:05:22

25 form of the question. There is no 16:05:23

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1 HERNANDO RAMOS MORENO

2 foundation for various assumptions 16:05:25

3 contained in that question. 16:05:27

4 But you can answer. 16:05:30

5 Q. You can answer the question. 16:05:37

6 A. It was not just the label. 16:05:38

7 Q. It was other issues? What 16:05:44

8 other issues? 16:05:46

9 A. The Cordialsa distribution 16:05:53

10 model was very small. 16:05:57

11 Q. Did it also have to do with 16:06:05

12 the technical specification sheet in 16:06:10

13 English which needed to be presented to 16:06:14

14 the FDA that you mention in your March 5, 16:06:15

15 2014 letter -- email? 16:06:18

16 MR. RAYMOND: Object to the 16:06:21

17 form. 16:06:23

18 You can answer. 16:06:23

19 A. Yes. 16:06:40

20 Q. Do you know if there were any 16:06:43

21 sanitary problems as well that was 16:06:44

22 preventing Industria from bringing its 16:06:48

23 goods into the -- its Zenu goods into the 16:06:54

24 U.S.? 16:07:02

25 A. No. 16:07:11

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1	HERNANDO RAMOS MORENO	
2	Q. This labeling issue, do you	16:07:19
3	know if Industria ever fixed this issue?	16:07:26
4	A. Yes.	16:07:37
5	Q. And do you know when that was	16:07:37
6	fixed?	16:07:40
7	A. I don't remember.	16:07:46
8	Q. Did this issue have anything	16:07:50
9	to do with Latinfood, by any chance?	16:07:52
10	A. I don't remember.	16:08:06
11	Q. Now, looking at HRM-B, Bates	16:09:18
12	number IAZ_DNJ 2489. There is an email	16:09:28
13	dated -- a subsequent email dated March	16:09:47
14	10, 2014, from Mr. Moreno to Carlos	16:09:50
15	Escobar, Santiago Jimenez, Juliana Gomez	16:10:03
16	Gonzalez. And this is, again, regarding	16:10:10
17	the meeting with Luis Alfonso Arango,	16:10:14
18	Cordials USA.	16:10:23
19	A. Okay.	16:10:41
20	Q. It says, "Good morning,	16:10:42
21	Carlos. Through the instruction of Diego	16:10:45
22	Medina, we had a meeting last week with	16:10:49
23	Luis Alfonso Arango, manager of Cordials	16:10:51
24	USA, who is interested in selling Zenu	16:10:56
25	antioquenos beans times 380 and 580 grams	16:11:03

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1 HERNANDO RAMOS MORENO

2 to a nostalgic market of Colombians in 16:11:03

3 some geographic areas such as Florida, 16:11:06

4 New York and California." 16:11:09

5 So did Mr. Medina ever discuss 16:11:39

6 the reasons with you why he wanted to 16:11:45

7 bring Industria's Zenu-branded products 16:11:49

8 to the U.S.? 16:11:55

9 A. Not directly. 16:12:05

10 Q. How did you -- you say here 16:12:07

11 "through the instruction of Diego Medina" 16:12:13

12 you had a meeting last week with 16:12:17

13 Mr. Arango. 16:12:18

14 How did Mr. Medina convey this 16:12:20

15 instruction? 16:12:22

16 A. Through my direct boss. 16:12:38

17 Q. And who was that again? 16:12:41

18 A. He's in the email, Fernery 16:12:45

19 Garcia. 16:12:53

20 Q. Do you know what the purpose 16:13:02

21 of this email was for? 16:13:03

22 A. To begin the project of 16:13:15

23 exporting their products into the United 16:13:20

24 States. 16:13:23

25 Q. Were you in charge of this 16:13:23

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1 HERNANDO RAMOS MORENO
2 project on behalf of Industria? 16:13:25
3 A. Yes. 16:13:33
4 Q. Who were the people that 16:13:34
5 you've worked with at Industria or 16:13:54
6 Cordialsa about bringing Industria's 16:13:58
7 branded Zenu products into the U.S.? 16:14:03
8 MR. RAYMOND: Object to the 16:14:12
9 form. To clarify, do you want the 16:14:13
10 names of the people from both 16:14:15
11 companies or just one or the other. 16:14:16
12 You said or. 16:14:18
13 MR. INGBER: I said both. 16:14:19
14 MR. RAYMOND: You said or. 16:14:20
15 MR. INGBER: Industria and 16:14:22
16 Cordialsa. 16:14:29
17 A. Okay. From marketing, Luis 16:14:32
18 Ignacio Salazar. The supply chain, 16:14:41
19 Santiago Jimenez. And Luis Alfonso 16:14:47
20 Arango from Cordialsa USA. 16:14:56
21 Q. Have you ever travelled to the 16:14:59
22 United States before? 16:15:01
23 A. Regarding this matter or 16:15:15
24 personal? 16:15:16
25 Q. Well, first, have you ever 16:15:17

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1 HERNANDO RAMOS MORENO

2 travelled to the U.S. before? 16:15:18

3 A. Yes. 16:15:24

4 Q. How many times? 16:15:24

5 A. Four or five times. 16:15:28

6 Q. Have you ever travelled to the 16:15:34
7 U.S. on official business for Industria? 16:15:35

8 A. Yes, fairs. 16:15:44

9 Q. What kind of fairs? 16:15:53

10 A. Food fairs. 16:15:58

11 Q. When did you travel to the 16:16:02
12 U.S. to attend a food fair, what year? 16:16:03

13 A. 2007. And 2016. I don't 16:16:20
14 remember exactly. 16:16:27

15 Q. Was this a food fair in the 16:16:28
16 U.S. in 2007 and 2016? 16:16:33

17 A. Yes. 16:16:39

18 Q. Where was the 2007 food fair 16:16:43
19 that you attended? 16:16:53

20 A. Chicago. 16:17:00

21 Q. How about the one in 2016? 16:17:01

22 A. Chicago. 16:17:04

23 Q. Was Industria an exhibitor at 16:17:07
24 either of these food fairs? 16:17:12

25 A. No. 16:17:18

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1 HERNANDO RAMOS MORENO
2 Q. Did you -- have you ever seen 16:17:24
3 any Zenu-branded products owned by 16:17:27
4 anybody in the U.S. in any of your 16:17:32
5 visits? 16:17:34
6 A. No. 16:17:45
7 Q. When you came to the United 16:17:47
8 States on business, did it have anything 16:17:55
9 to do with Industria trying to bring -- 16:17:57
10 trying to establish Zenu in the U.S.? 16:18:04
11 A. Me directly, no. 16:18:29
12 MR. RAYMOND: Can we take a 16:18:35
13 bathroom break, five minutes? 16:18:36
14 MR. INGBER: Sure. 16:18:38
15 (A recess was taken.) 16:18:39
16 MR. INGBER: Back on the 16:37:24
17 record. 16:37:25
18 BY MR. INGBER: 16:37:26
19 Q. You testified earlier that the 16:37:26
20 Cordials distribution model was very 16:37:29
21 small. What did you mean by that? 16:37:31
22 A. That it was a growing company 16:38:00
23 and when we started the project with them 16:38:02
24 initially, they did not have the right 16:38:07
25 distribution model to increase our sales. 16:38:10

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1 HERNANDO RAMOS MORENO
2 Q. That had nothing to do with 16:38:13
3 Latinfood; did it? 16:38:22
4 MR. RAYMOND: Object to the 16:38:27
5 form. 16:38:27
6 You can answer. 16:38:29
7 A. Let's say that Cordialsa's 16:38:44
8 distribution model has nothing to do with 16:38:47
9 Latinfood. 16:38:48
10 Q. Do you know a company named 16:38:50
11 Marquillas? 16:39:00
12 A. No. 16:39:01
13 Q. Do you know anybody named 16:39:01
14 Felipe Munera? 16:39:04
15 A. No. 16:39:13
16 Q. Now, going back to HRM-B. On 16:39:20
17 IAZ_DNJ 2489 -- actually it begins on 16:39:40
18 2488 at the bottom. There is a reference 16:39:48
19 email from Juliana Gomez Gonzalez for 16:39:55
20 you, dated March 11, 2014, I believe. 16:40:08
21 And it relates to a meeting, again, with 16:40:16
22 Luis Alfonso Arango of Cordialsa. 16:40:19
23 Who is Juliana Gomez Gonzalez? 16:40:31
24 A. Director of marketing. She 16:40:43
25 works with Luis Ignacio Salazar. 16:40:45

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1 HERNANDO RAMOS MORENO
2 Q. And who is Maria Adelaida 16:40:48
3 Arango Hoyos? 16:40:52
4 A. Marketing director, works with 16:40:58
5 Luis Ignacio Salazar. Correcting myself, 16:41:02
6 used to work. 16:41:08
7 Q. Do you know if Maria Arango is 16:41:09
8 related to Luis Arango? 16:41:13
9 A. I don't know. 16:41:25
10 Q. So she's writing to you and 16:41:30
11 she says, "hey, I have several doubts 16:41:34
12 that I would like to know in case of 16:41:37
13 requesting support from marketing." 16:41:40
14 Then she says, "do you have 16:41:52
15 the product value chain? What is the PVP 16:41:54
16 to the consumer in the U.S.A.? What are 16:41:57
17 the prices of the competitors? How much 16:42:08
18 is the product currently selling for? In 16:42:11
19 some cases we have seen that our products 16:42:15
20 are arriving but we do not carry them. 16:42:18
21 How big is the potential of the Colombian 16:42:33
22 population in the United States being 16:42:37
23 calculated?" Then it says, "The use of 16:42:40
24 the brand in the United States, if I 16:42:53
25 remember correctly, has been lost at some 16:42:55

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1 HERNANDO RAMOS MORENO

2 Q. Yes. 17:07:35

3 A. It wasn't a concern, it was 17:07:52

4 more about the way the label should look. 17:07:54

5 We wanted to know if the writing should 17:07:56

6 be Spanish/English or English/Spanish. 17:07:58

7 Q. Did Mr. Arango respond to you? 17:09:01

8 A. Yes. 17:09:05

9 Q. And do you remember what his 17:09:09

10 response was? 17:09:10

11 A. It's here on the document. 17:09:17

12 Q. Can you -- is that what's on 17:09:20

13 | 3613, the first page? 17:09:24

14 A. Correct. 17:09:30

15 Q. What is he saying here? In 17:09:31

16 | your own words, what is he saying? 17:09:36

17 | A. That the name of the product 17:09:57

18 in English is fine. The nutritional 17:10:13

19 facts in English are fine. The 17:10:16

20 ingredients in English are fine. Then it 17:10:18

21 | says that the law requires that the 17:10:40

product be in English and Spanish. And 17:10:41

23 that the way that we had defined the 17:10:43

24 labels was fine. 17:10:47

25 | Should I continue? 17:10:54

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1 HERNANDO RAMOS MORENO
2 Q. Yes. 17:10:55
3 A. That the product must read 17:11:08
4 distributed by Cordialsa and must have 17:11:10
5 their address in Houston. And then at 17:11:12
6 the end he says that it needs to have a 17:11:39
7 code that we use in Colombia that's an 17:11:44
8 EAN. It's a code that they do not use 17:11:47
9 here in the U.S., in the U.S. they use a 17:11:50
10 code called UPC, it's a twelve-digit 17:11:53
11 code. 17:11:57
12 Q. Are you familiar with UPC 17:11:57
13 codes? 17:11:59
14 A. No. 17:12:03
15 Q. I believe you testified 17:12:05
16 earlier that the Cordialsa back in 2014 17:12:09
17 didn't have the distribution capability 17:12:16
18 that Industria was looking for? 17:12:20
19 MR. RAYMOND: Object to the 17:12:23
20 form. 17:12:24
21 Q. Is that correct? 17:12:24
22 MR. RAYMOND: Object to the 17:12:25
23 form. That's not what he testified 17:12:26
24 to. 17:12:27
25 Did you say objection to the 17:12:53

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1 HERNANDO RAMOS MORENO
2 form? That's not what he testified 17:12:55
3 to. 17:12:56
4 A. Okay. When we had started the 17:13:22
5 project, Cordialsa did not have the 17:13:24
6 distribution network, it wasn't big 17:13:26
7 enough. But in 2014 it had already 17:13:28
8 grown, they had more clients and they had 17:13:30
9 more potential for sales. So that's when 17:13:32
10 we began the project again with them. 17:13:34
11 MR. INGBER: I'd like to mark 17:13:42
12 this as Exhibit HRM-F. IAZ 2480 to 17:13:43
13 2481. 17:13:53
14 (Exhibit HRM-F for 17:13:57
15 identification, email dated 17:13:57
16 September 19, 2017, production 17:13:57
17 numbers IAZ_DNJ 2480 through 17:13:57
18 IAZ_DNJ 2481.) 17:14:21
19 BY MR. INGBER: 17:14:21
20 Q. So if you look at the bottom 17:14:22
21 of 2481, there is an email dated it looks 17:14:23
22 like, I guess it looks like September 17:14:31
23 11th, from Luis Arango to you. And he 17:14:32
24 says, "I'm visiting the points of sale 17:14:41
25 here in New Jersey. I'm finding that in 17:14:43

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1 HERNANDO RAMOS MORENO
2 the market there are Zenu beans from a 17:14:45
3 company that calls itself Zenu Products 17:14:48
4 USA." 17:14:52
5 MR. RAYMOND: Before you get 17:15:02
6 the question, can I just clarify. 17:15:03
7 This seems to be March 12th, you 17:15:05
8 said September 11th. 17:15:07
9 MR. INGBER: I see September 17:15:09
10 10, 2481, at the bottom. 17:15:10
11 MR. RAYMOND: I'm sorry. 17:15:15
12 And I think 9/11 means 17:15:43
13 November 9, not September 11th. 17:15:45
14 MR. INGBER: November 10th -- 17:15:47
15 excuse me. September 10th. 17:15:49
16 MR. RAYMOND: I think it goes 17:15:51
17 day -- 17:15:54
18 MR. INGBER: This is September 17:15:56
19 10th, I believe. 17:15:57
20 Q. Is this dated September 10, 17:15:58
21 2014? 17:16:00
22 A. Yes. 17:16:09
23 Q. Now, above it there is a 17:16:15
24 response letter, response email, 17:16:17
25 September 11th, from you to Luis Arango, 17:16:20

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1 HERNANDO RAMOS MORENO

2 regarding Zenu beans in the U.S.A. And 17:16:25
3 it says, "Luis, thank you very much for 17:16:43
4 the information, it coincides with the 17:16:46
5 teleclient that we sent to the legal 17:16:49
6 department, Juridica, where a client in 17:16:50
7 New York complained about the service of 17:16:54
8 our distributor in Miami, which we do not 17:16:56
9 have. This topic is more complex than we 17:16:59
10 had imagined." 17:17:04

11 And then there is an email on 17:17:40
12 2481 -- excuse me. 2480, first page, 17:17:45
13 it's from Luis Arango to you, dated, I 17:17:52
14 think it's March 12, 2014. Again, Zenu 17:17:58
15 beans in U.S.A. and also Rica Rondo. It 17:18:06
16 says, "Hey Hernando, I want to tell you 17:18:25
17 that the topic of Zenu has increased a 17:18:28
18 lot and our sales personnel are seeing 17:18:31
19 the product in many supermarkets and not 17:18:32
20 just the line of beans, but also all the 17:18:35
21 topic of sausages. In addition to the 17:18:38
22 Zenu brand we are seeing that they are 17:18:40
23 not -- that not they are also using Rica 17:18:42
24 Rondo. I'm going to send photos for your 17:18:49
25 record. In this email I'm sending photos 17:18:52

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1 HERNANDO RAMOS MORENO

2 Do you know if Industria was 17:44:36
3 able -- who is Alimentos Carnicos, that's 17:44:38
4 your company, correct? 17:44:42

5 A. Yes. 17:44:44

6 Q. Did this product have meat in 17:44:50
7 it? 17:44:53

8 A. Bacon. A small amount. 17:45:03

9 Q. How would you be able to 17:45:05
10 overcome the U.S. restriction on -- 17:45:08
11 because of the hoof-and-mouth issue that 17:45:15
12 you referenced before? 17:45:17

13 MR. RAYMOND: Object to the 17:45:17
14 form. There is no testimony 17:45:19
15 hoof-and-mouth had anything to do 17:45:21
16 with bacon, which comes from a pig. 17:45:22

17 Q. Was there a hoof-and-mouth 17:45:25
18 restriction -- to your knowledge, was 17:45:27
19 there a hoof-and-mouth restriction that 17:45:28
20 Colombia had relating to bacon? 17:45:31

21 A. No. The restriction is for 17:45:45
22 cow meat. This is pork. 17:45:48

23 Q. Does Industria produce bacon 17:45:56
24 for export -- excuse me. Does Nutresa 17:46:03
25 produce bacon for export to the U.S., to 17:46:08

1 HERNANDO RAMOS MORENO

2 your knowledge? 17:46:17

3 A. Nutresa does not produce the 17:46:17
4 bacon. The bacon is produced by a 17:46:24
5 company in the United States. 17:46:26

6 Q. So again, is it still your 17:46:29
7 answer then that Colombian companies can 17:46:35
8 export bacon that is made in Colombia to 17:46:40
9 the United States? 17:46:47

10 A. In general, I do not have that 17:47:19
11 information. But the amount -- the 17:47:21
12 percentage of the bacon in this item was 17:47:24
13 very low. The main ingredient was beans, 17:47:26
14 not bacon. 17:47:29

15 Q. So are you saying that you're 17:47:34
16 not sure now whether Colombia could 17:47:37
17 export pork products that are made in 17:47:40
18 Colombia to the U.S.? 17:47:45

19 MR. RAYMOND: I object to the 17:47:46
20 form of the question. You never 17:47:48
21 asked him that question before, so 17:47:49
22 the implication that he's answered 17:47:50
23 it one way or the other is not 17:47:52
24 correct. But you can ask him the 17:47:54
25 question if you'd like to. 17:47:55

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1 HERNANDO RAMOS MORENO

2 A. It's my understanding that the 17:48:32
3 restriction to export is on cow meat, not 17:48:34
4 poultry or pork, and that's the 17:48:39
5 limitation that we have for exporting to 17:48:41
6 other countries. 17:48:43

7 Q. Did you ever retain -- did you 17:48:46
8 ever obtain the registration of the 17:48:50
9 product which you said you would get next 17:48:52
10 week? 17:48:54

11 A. This email is referring to the 17:49:13
12 registration for the manufacturing plant 17:49:24
13 registration, not the product. So we did 17:49:28
14 get the registration for the 17:49:30
15 manufacturing plant. And the product 17:49:32
16 registration was in process. 17:49:33

17 Q. Do you know if the 17:49:36
18 foot-and-mouth disease is limited to 17:49:37
19 cows? 17:49:41

20 A. Yes. 17:49:48

21 Q. So as far as you know, the 17:49:52
22 foot-and-mouth disease does not effect 17:49:54
23 pigs. Is that correct? 17:49:58

24 A. No. 17:50:04

25 Q. Well, if you come -- if you 17:50:08

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1 HERNANDO RAMOS MORENO
2 change your mind about that, I hope 17:50:13
3 you'll indicate that at some point, 17:50:15
4 because I think you're wrong. 17:50:18
5 MR. RAYMOND: I object to the 17:50:24
6 statement. He's not here to 17:50:24
7 testify about such regulations in 17:50:27
8 any event. 17:50:29
9 MR. INGBER: He just did. 17:50:29
10 I'd like to have this marked 17:51:01
11 as Exhibit HRM-J. 17:51:03
12 (Exhibit HRM-J for 17:51:03
13 identification, email dated June 5, 17:51:03
14 2014, with attachment, production 17:51:03
15 numbers IAZ_DNJ 3621 through 17:51:03
16 IAZ_DNJ 3622.) 17:51:40
17 BY MR. INGBER: 17:51:40
18 Q. These are exhibits labeled IAZ 17:51:40
19 3621 through 3622 with some Google 17:51:44
20 translations. 17:51:47
21 So the email that's on 3621 is 17:51:49
22 a, appears to be a June 5, 2014 email 17:51:57
23 from you to Libia Eugenia Bentacur 17:52:02
24 Rendon, and Mr. Arango is copied in. And 17:52:10
25 this is regarding RM Sofia Express. 17:52:16

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1 HERNANDO RAMOS MORENO
2 What is this email about? 17:52:22
3 A. It's a request from Luis 17:53:21
4 Alfonso Arango from Cordialsa in order to 17:53:25
5 commercialize the Sofia Express products. 17:53:28
6 These are frozen goods. 17:53:30
7 Q. Who is Betancur Rendon? 17:53:31
8 A. A marketing person who worked 17:53:44
9 with Luis Alfonso Salazar -- Luis Ignacio 17:53:46
10 Salazar. 17:53:53
11 Q. Did Mr. Salazar ask you to 17:53:53
12 refer this to Mr. Betancur Rendon? 17:53:55
13 A. She was responsible for frozen 17:54:19
14 goods, and she worked under Salazar's 17:54:22
15 supervision. 17:54:24
16 Q. Did Mr. Arango provide you a 17:54:25
17 list of frozen food that you needed 17:54:30
18 export advice on? 17:54:34
19 A. He was interested in 17:55:24
20 distributing our frozen line products in 17:55:26
21 the United States to people from 17:55:29
22 Colombian origin. So he did not give me 17:55:32
23 any information, he doesn't give me any 17:55:35
24 details of the products in this email. 17:55:37
25 He wanted a catalog of the products 17:55:39

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1	HERNANDO RAMOS MORENO	
2	first.	17:55:41
3	Q. Did Mr. Betancur Rendon	17:55:42
4	respond?	17:55:47
5	A. Yes. But it's not in this	17:55:54
6	document.	17:56:02
7	Q. What did he say, do you	17:56:02
8	remember?	17:56:50
9	A. That we had a restriction in	17:56:50
10	many of the frozen foods, but that we	17:56:51
11	could distribute ethnic products like the	17:56:55
12	dough for the bumuelos or for the cheese	17:56:57
13	sticks or palitos de queso. It's not	17:57:00
14	really a restriction, it's more of a	17:57:04
15	limitation with frozen food distribution.	17:57:06
16	Q. Were these Zenu-branded	17:57:09
17	products?	17:57:12
18	A. At that time no, but today	17:57:25
19	they became Zenu brand products. They	17:57:27
20	were Sofia Express back then.	17:57:31
21	Q. Did Industria acquire Sofia	17:57:34
22	Express?	17:57:39
23	A. Yes.	17:57:39
24	Q. And what kind of products did	17:57:41
25	Sofia Express make?	17:57:44

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1 HERNANDO RAMOS MORENO
2 A. It was frozen foods, like 17:58:04
3 palitos de queso, empanadas, prepared 17:58:21
4 foods like pasta bolognese, dough for 17:58:28
5 bumuelos and pizzas. 17:58:32
6 MR. INGBER: We need to take a 17:59:02
7 short break. Five minutes. 17:59:04
8 (A recess was taken.) 17:59:18
9 (Exhibit HRM-K for 17:59:18
10 identification, email dated 17:59:18
11 November 11, 2014, production 17:59:18
12 numbers IAZ_DNJ 3636 through 17:59:18
13 IAZ_DNJ 3637.) 18:19:59
14 MR. INGBER: We're up to 18:19:59
15 Exhibit K. Which is IAZ_DNJ 3636 18:20:00
16 through 37. 18:20:06
17 BY MR. INGBER: 18:20:12
18 Q. Now, I'd like you to refer to 18:20:13
19 the second email on 3636. Dated, I 18:20:15
20 believe it's dated September 10, 2014. 18:20:25
21 And if you could read that and then I'm 18:20:30
22 going to ask the translator to read that 18:20:32
23 into the record. 18:20:36
24 A. Perfect. 18:20:43
25 MR. INGBER: We don't need 18:20:46

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1 HERNANDO RAMOS MORENO
2 him -- we need you to read it. 18:20:47
3 MR. RAYMOND: Read it to 18:20:49
4 yourself. 18:20:50
5 MR. INGBER: Read it to 18:20:52
6 yourself so you're familiar with 18:20:53
7 it. 18:20:54
8 THE INTERPRETER: Hey 18:20:57
9 Hernando. I am visiting some 18:20:59
10 points of sale here in New Jersey 18:21:00
11 and I am seeing that there are -- 18:21:03
12 some Zenu beans are for sale here 18:21:08
13 from a company called Zenu Products 18:21:11
14 USA. The logo, descriptors and 18:21:13
15 photos are identical as the 18:21:19
16 Colombian product. But this is not 18:21:21
17 a Zenu product. It's from a 18:21:25
18 company that it's appropriating the 18:21:28
19 Zenu brand and it makes the 18:21:32
20 consumer feel that he or she is 18:21:33
21 buying Zenu products when they're 18:21:35
22 really not. I visited the website 18:21:37
23 Zenu.US.com/EN, and you can find 18:21:43
24 there -- it's not I visited. 18:21:52
25 Visit. Visit the website -- sorry, 18:21:57

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1 HERNANDO RAMOS MORENO

2 it is I visited. And you will find 18:22:07
3 there that they even sell the 18:22:11
4 Ranchera sausage, Zenu chorizo, et 18:22:13
5 cetera. I am attaching a photo 18:22:19
6 that I took at the point of sale 18:22:21
7 and I additionally purchased a 18:22:23
8 sample in case you need it. 18:22:25
9 Additionally, I asked the cashiers 18:22:29
10 about the sale of this product, and 18:22:32
11 coincidentally they were Colombian. 18:22:37
12 And they said that they were very 18:22:39
13 happy that -- that the consumers 18:22:41
14 were very happy because they are 18:22:43
15 seeing that they could now buy Zenu 18:22:45
16 products in the U.S.A. and that the 18:22:50
17 canned beans -- and that it's 18:22:54
18 already a leading brand for the 18:22:57
19 canned beans. I consider this an 18:22:59
20 important subject for you to review 18:23:02
21 internally in the company. 18:23:05

22 BY MR. INGBER: 18:23:23

23 Q. So this is an email from 18:23:23
24 Mr. Arango to you. Is that right? 18:23:26

25 A. Yes. 18:23:33

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1 HERNANDO RAMOS MORENO
2 Q. And Mr. Arango I believe is 18:23:36
3 saying in his letter that he saw 18:23:49
4 customers -- excuse me. He asked the 18:23:51
5 cashiers about the sale of this product 18:23:54
6 and the customers were -- excuse me -- 18:23:56
7 the cashiers were Colombian, and they 18:24:03
8 said that they were very happy, the 18:24:06
9 consumers were very happy because they're 18:24:09
10 seeing that they can now buy Zenu 18:24:12
11 products in the U.S. and that the canned 18:24:14
12 beans -- is already a leading brand for 18:24:16
13 the canned beans. 18:24:17

14 Did you share this 18:24:49
15 information, this email with people at 18:24:53
16 Industria? 18:24:55

17 A. I suppose so. 18:25:00

18 Q. Did you discuss it with Diego 18:25:07
19 Medina? 18:25:09

20 A. I don't remember. 18:25:12

21 Q. Do you know that Industria has 18:25:16
22 made some allegations in their complaint 18:25:19
23 that say that the Latinfood goods are 18:25:24
24 subpar and not inspected? 18:25:31

25 A. I don't know the details of 18:25:49

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1 HERNANDO RAMOS MORENO

2 that statement. 18:25:56

3 Q. Have you heard that statement 18:25:57
4 before? 18:25:58

5 A. Not the statement. What I did 18:26:16
6 hear or what I know is that these 18:26:21
7 products are not manufactured by 18:26:23
8 Industria de Alimentos Zenu. 18:26:25

9 Q. Did you ever get any emails 18:26:29
10 from Mr. Arango or anybody else that 18:26:30
11 stated that customers were unhappy with 18:26:34
12 Latinfood's Zenu products in the U.S.? 18:26:37

13 A. In detail what Luis Arango was 18:27:58
14 saying is that he saw the products and 18:28:07
15 that visually these products use the 18:28:09
16 Zenu -- the Zenu brand or the Zenu 18:28:15
17 trademark, which is the leading brand of 18:28:17
18 the product in Colombia. So consumers 18:28:20
19 were happy to see their trusted brand, 18:28:23
20 which was not a product that was made by 18:28:26
21 Industria, but it was made by Latinfoods. 18:28:28
22 So consumers wouldn't have the knowledge 18:28:33
23 or they wouldn't know the details for 18:28:34
24 that information and they would just 18:28:36
25 assume that they are Zenu products, which 18:28:38

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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